Paper No. 27

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte LEWIS K. CIRNE, JEFFREY R. COBB,
and ERIC C. SCHLEGEL

Appeal No. 2001-1478
Application No. 08/853,539

ON BRIEF[1]

Before RUGGIERO, DIXON, and GROSS, **Administrative Patent Judges**.

DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-45, which are all of the claims pending in this application.

We AFFIRM.

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[1] We note that appellants waived their oral hearing since they did not attend the scheduled hearing. Therefore, we have decided the appeal on brief.

BACKGROUND

Appellants' invention relates to an event routing mechanism in a computer system. An understanding of the invention can be derived from a reading of exemplary claims 1 and 29, which are reproduced below.

> 1. A method for routing an event to a human interface object in a computer system, said method comprising:
>
> assigning a routing type to each event;
>
> receiving an event;
>
> determining the routing type of the event; and
>
> routing the event based on the determined routing type.
>
> 29. A computer-readable medium having stored thereon one or more routing data structures for specifying a routing type for each kind of event being handled.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Daniel et al. (Daniel)	5,321,837	Jun. 14, 1994
Gough et al. (Gough)	5,680,617	Oct. 21, 1997 (filed May 16, 1994)

Claims 1-45 stand rejected under 35 U.S.C. § 103 as being unpatentable over Daniel in view of Gough.

Rather than reiterate the conflicting viewpoints advanced by the examiner and appellants regarding the above-noted rejections, we make reference to the examiner's final rejection (Paper No. 17, mailed June 7, 2000) and the examiner's answer (Paper No. 22, mailed Dec. 22, 2000) for the examiner's reasoning in support of the rejections, and to appellants' brief (Paper No. 20, filed Dec. 7, 2000) and reply brief (Paper No. 23, filed Feb. 22, 2001) for appellants' arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we make the determinations which follow.

At the outset, we note that appellants indicate that the claims do not stand or fall together and that separate grounds of patentability exist with respect to other claims and identify the argument section as setting forth the separate arguments. (See brief at page 3.) Therefore, we will address the claims as specifically set forth in the arguments.

Initially, we note that appellants have not included any arguments to independent claims 26 and 29. Therefore, we will group these claims with independent claim 1. Additionally, we note that appellants only address the language of

independent claim 1. (See brief at page 5.) Therefore, we will also group independent claims 12, 23, 32, 36, 37, 38, and 42 with independent claim 1.

We note that the examiner maintains that the event handler of Daniel categorizes the events into groups and routes the events to user electronic addresses or to application programs for further processing, and that this would include assigning events, receiving events and determining the routing type of the categorized events. (See final rejection at page 2.) We agree with the examiner that the categorization of events would have been "assigning a type" as recited in claim 1 and that the determining the routing type and routing would have been the association of an action or actions with an event or group of events in a category, and then the subsequent routing of the event or group of events to the address of a user or sending the event to an application program for further processing. The examiner relies upon the teachings of the Gough patent with respect to a computer human interface which provides for user customization of object behavior and a computer to take actions in response to detectable events or triggers which have been designated by a user. (See final rejection at page 2 and answer at page 5.)

Appellants argue that the present invention relates to a method and apparatus for routing "arbitrary human interface events to an appropriate human interface object."

(See brief at page 4.) We do not find support for appellants' level of specificity in the language of independent claim 1. Therefore, this argument is not persuasive. Appellants argue that the present invention allows new, arbitrary human interface clients to be added and, preferably provides a registration process that permits these clients, or applications, to register interest in events. (See brief at page 4.) Again, we do not find support for appellants' level of specificity in the language of independent claim 1. Therefore, this argument is not persuasive. Appellants argue that this may be accomplished by determining a routing type and routing the event to an appropriate human interface object based on the determined routing type. (See brief at page 4.) We do not find support for appellants' level of specificity in the language of independent claim 1. Therefore, this argument is not persuasive.

Appellants argue that Daniel is a traditional computer system which utilizes traditional routing. (See brief at page 4.) Appellants argue that Daniel teaches that the events are filtered by a filter to form event groups and the event groups are transmitted together to an action table to take action rather than routed based upon the routing type. Appellants argue that the examiner acknowledges that there is no disclosure in Daniel of routing events based on a determined routing type and there is no disclosure of assigning a routing type to each event. (See brief at pages 4-5.) Appellants do not

identify where the examiner acknowledged this point, and we have not found such an acknowledgment. Therefore, this argument is not persuasive.

Appellants argue that Daniel does not teach or suggest routing an event to a human interface object according to type. (See brief at pages 5-6.) We agree with appellants and note that the examiner acknowledged this by combining Gough for the combination to teach or suggest the claimed invention. Additionally, we note that the language of claim 1 merely sets forth the intended field of use for "routing an event to a human interface object in a computer system." The last step in independent claim 1 merely recites "routing the event based on the determined routing type" and not to a human interface object in a computer system as recited in the preamble.

Appellants further argue that the combination fails to disclose or suggest determining a routing type of an event and routing the event based on the determined routing type, such that events associated with different routing types are handled in different manners as depicted in Figure 11 of the application. (See brief at page 6.) We disagree with appellants, and find that Daniel does teach and fairly suggest determining a routing type of an event and routing the event based on the determined routing type, such that events associated with different routing types are handled in different manners. Per the examiner's interpretation of the language of the claim as it

relates to the teachings of Daniel, the categorization would be a determination of a routing type and routing the group of events in the category to an action would have been routing based on the type. The language of independent claim 1 does not require that each event be processed individually and not as a group before the next event is processed. Therefore, the processing of the group of events within the category would meet the language of independent claim 1. We find no language in the claim to support appellants' argument related to Figure 11 of the specification. Therefore, this argument is not persuasive. Therefore, we find that appellants have not adequately rebutted the examiner's ***prima facie*** case of obviousness, and we will sustain the rejection of independent claim 1 and independent claims 12, 23, 26, 29, 32, 36, 37, 38, and 42 which appellants have not specifically addressed in the arguments.

With respect to the dependent claims 2, 3, 13, 14, 24, 25, 32, 33, 34, 39, 40, 43, and 44, appellants argue that Daniel and Gough do not disclose geometric, focus or broadcast routing types. (See brief at page 6.) We agree with appellants that neither reference specifically enumerates the same labels, but the examiner relies on the teaching in Gough at col. 11, line 12 et seq. (see final rejection at page 3) that the system is open in nature and that new types or labels for triggering events can be added at any time and that it would have been obvious to one of ordinary skill in the art

at the time of the invention to have new triggering events added. Additionally, we find that these labels are not art recognized types of events and the language of the claims does not identify the detail, function or structure of these events. Therefore, we agree with the examiner that other labeled events without specific detail thereto would have been obvious additions to the combination with the open system.

With respect to dependent claims 6-11, 17-22, 30, 31, 41, and 45, appellants argue that registering and unregistering is not taught or suggested by either Daniel or Gough. (See brief at pages 7-8.) We disagree with appellants. The examiner relies on the notification and interface with the user and the system. We agree with the examiner that the GUI of Gough allows the user to register and unregister the interest, for example, in a back-up being performed. This may be triggered by the use of the clock at a scheduled time or by a separate event. Here, the language of dependent claim 6 does not specify the type of the event. Therefore, we agree with the examiner that Gough would have fairly suggested the registering and unregistering of an interest in an event, and we will sustain the rejection of dependent claims 6-11, 17-22, 30, 31, 41, and 45.

Appellants argue that the teachings of Daniel and Gough cannot be combined in the manner suggested by the examiner. (See brief at page 8.) We disagree with

appellants. Appellants argue that the references relate to completely diverse teachings. (See brief at page 8.) Again, we disagree with appellants. Appellants argue that the examiner's statement of motivation for the combination is not "founded in the prior art." (See brief at pages 8-9.) Again, we disagree with appellants and point out that the examiner's statement appears to be “founded” in the abstract of Gough which states: "[a] computer-user interface facilitates interaction between the user and the computer in a manner which enables the computer to assist the user in accomplishing desired goals. . . With the flexibility offered by this arrangement, the user can customize the operation of a computer to suit his or her particular needs." Therefore, we find that the applied prior art provides a foundation for the examiner's stated line of reasoning. Therefore, this argument is not persuasive,

Appellants argue that the examiner incorrectly equates event groups with routing types. (See reply brief at page 2.) We disagree with appellants. Appellants argue that the routing of events of the claimed invention relates to "which application is notified." We find no language in independent claim 1 to support this argument. (See reply brief at page 2.) Appellants argue the routing is performed as a group by Daniel. (See reply brief at 3.) This argument is not persuasive as discussed above. Appellants argue that nowhere does Daniel teach or suggest "assigning a *routing type*

to each event, . . . and *routing* the event *based on the determined routing type*." (See reply brief at page 3.) We disagree with appellants as discussed above.

Appellants argue that the teachings of Gough "does not disclose, suggest or otherwise render obvious adding events to or removing events from, a handler table according to interest indications in the events." (See reply brief at pages 3-4.) We find no support for the "handler table" in dependent claim 6. Therefore, this argument is not persuasive.

Appellants argue that the teachings of Gough have no apparent relevance to the claim language. (See reply brief at page 4.) We disagree as discussed above. Appellants argue that Gough does not disclose registering or unregistering interest in an event. (See reply brief at page 5.) We disagree as discussed above. Appellants argue the combination of the teachings. (See reply brief at pages 5-6.) We disagree as discussed above. Appellants argue that all the events of a group are transmitted to the same destination in the system of Daniel. (See reply brief at page 6.) Therefore, this argument is not persuasive as discussed above. We find no language in independent claim 1 which prevents routing of a group or category. Therefore, this argument is not persuasive, and we will sustain the examiner's rejection as discussed above.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1-45 under 35 U.S.C. § 103 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a).

AFFIRMED

JOSEPH F. RUGGIERO Administrative Patent Judge	)
JOSEPH L. DIXON Administrative Patent Judge	) BOARD OF PATENT) APPEALS) AND) INTERFERENCES
ANITA PELLMAN GROSS Administrative Patent Judge	)

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